

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

THE STATE OF MISSOURI,
ex rel. ERIC S. SCHMITT, in his official
capacity as Missouri Attorney General,

Plaintiff,

v.

THE PEOPLE’S REPUBLIC OF CHINA,
THE COMMUNIST PARTY OF CHINA,
NATIONAL HEALTH COMMISSION
OF THE PEOPLE’S REPUBLIC OF
CHINA, MINISTRY OF EMERGENCY
MANAGEMENT OF THE PEOPLE’S
REPUBLIC OF CHINA, MINISTRY OF
CIVIL AFFAIRS OF THE PEOPLE’S
REPUBLIC OF CHINA, PEOPLE’S
GOVERNMENT OF HUBEI
PROVINCE, PEOPLE’S GOVERNMENT
OF WUHAN CITY, WUHAN INSTITUTE
OF VIROLOGY, and CHINESE
ACADEMY OF SCIENCES,

Defendants.

Case No. 1:20-cv-00099-SNLJ

[PLAINTIFF’S PROPOSED] CASE MANAGEMENT AND SCHEDULING ORDER

Plaintiff State of Missouri ex rel. Eric S. Schmitt (“Missouri”) has moved for this Court set a trial date and enter a case management and scheduling order that will permit Missouri to seek discovery and conduct an evidentiary hearing on its claims on or around June 6, 2022. Upon consideration of the motion, the Court orders the following:

1. No Rule 26(f) discovery conference is required because all Defendants are in default;
2. Missouri is not required to provide initial disclosures because all Defendants are in default;
3. Expert disclosures to the parties as to Missouri’s expert witnesses are not required because all Defendants are in default; however, Missouri shall file the credentials and any report(s)

of any expert witnesses who will testify at trial with the Court by the Friday before the commencement of trial;

4. Pursuant to Rule 26(d)(1), the Court orders that Missouri may immediately pursue discovery from parties and third parties relevant to all claims against all Defendants;
5. Missouri is authorized to serve discovery requests on the non-foreign-state defendants Communist Party of China, Chinese Academy of Sciences, and Wuhan Institute of Virology in the same manner that the Court previously authorized for service of the Complaint and summonses on those Defendants, *see* Doc. 22;
6. Missouri shall file a pre-trial brief outlining the evidence it plans to submit at trial for the Court's benefit by the Friday before the commencement of trial; the brief shall also address any evidentiary issues that Missouri anticipates may arise at trial;
7. Missouri may file motion(s) seeking adverse inferences or other discovery sanctions against Defendants for non-cooperation in discovery, if applicable, on or before the Friday before trial;
8. Pretrial disclosures are not required because all Defendants are in default; however, Missouri shall file a list of witnesses it intends to call at trial on or before the Friday before trial;
9. The deadline for amendments to the pleadings, if any, shall be 14 days before trial;
10. Missouri shall file deposition designations and excerpts for any witnesses testifying by deposition by the Friday before trial;
11. Missouri may submit evidence both in written form and by live testimony, and Missouri shall file other written forms of evidence apart from live testimony, including affidavits

and documentary exhibits (other than exhibits to be presented during live testimony), by the Friday before trial;

12. Missouri shall file its list of trial exhibits on the first day of trial;

13. Missouri shall file its application for default judgment against the non-foreign-state defendants Communist Party of China, Chinese Academy of Sciences, and Wuhan Institute of Virology under Rule 55(b) promptly after the conclusion of trial; and

14. Trial shall be set for two to three days beginning on June 6, 2022.

Dated: _____

It is so ordered.

The Hon. Stephen N. Limbaugh, Jr.